

REMARKS

Claims 51 and 56 have been written in independent form. Amendment to claim 55 is to change claim dependency. Amendments to claim 59 are to change claim dependency and to make explicit of what was already inherent in the claim. No new matter has been added.

I. ALLOWED CLAIMS

Applicant wishes to thank the Examiner for allowing claims 1-16 and 26-49.

II. CLAIM OBJECTIONS

Claims 51-53 and 56-58 stand objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form. Claims 51 and 56 have been rewritten in independent form and are therefore believed allowable. For at least the same reason that claims 51 and 56 are allowable, claims 52 and 53, which depend from claim 51, and claims 55, 57-59, which depend from claim 56, should also be allowable.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 17-20, 50, 54, 55, 59, and 80-95 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not provide enablement for gating any and all medical procedures. Claims 17-20, 50, 54, and 80-95 have been canceled, and claims 55 and 59 have been amended to depend from an allowable claim.

Claim 59 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the

invention. Claim 59 has been amended to remove any such alleged indefiniteness in the claim, and is believed allowable.

IV. INFORMATION DISCLOSURE STATEMENTS

Applicant had previously submitted Information Disclosure Statements dated January 14, 2002 and March 3, 2003, but have not yet received confirmation that the references listed on the corresponding forms PTO-1449 had been considered. Applicant hereby respectfully requests that the submitted references be considered by the Examiner. Copies of the submitted IDSs are enclosed for your convenience.

CONCLUSION

Based on the foregoing, all remaining claims are believed allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,

Bingham McCutchen LLP

Dated: 1/12/04

By: 

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Enclosures: Copies of previously submitted IDSs.

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